

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PATRICK CORKERY	:	JURY TRIAL DEMANDED
7137 Erdrick Street	:	
Philadelphia, PA 19135,	:	CIVIL ACTION NO.
<i>Plaintiff,</i>	:	
v.	:	
	:	
POLICE OFFICER RICHARD PRAUL	:	
BADGE NUMBER 7282	:	
<i>individually and in his official capacity</i>	:	
1515 Arch Street, 14th Floor	:	
Philadelphia, PA 19102	:	
and	:	
SERGEANT DEBORAH FRANCIS	:	
BADGE NUMBER 8602	:	
<i>individually and in his official capacity</i>	:	
1515 Arch Street, 14th Floor	:	
Philadelphia, PA 19102	:	
and	:	
POLICE OFFICER NATALIE MALONEY	:	
BADGE NUMBER 1698	:	
<i>individually and in his official capacity</i>	:	
1515 Arch Street, 14th Floor	:	
Philadelphia, PA 19102	:	
and	:	
POLICE OFFICER MORALES	:	
BADGE NUMBER TBA	:	
<i>individually and in his official capacity</i>	:	
1515 Arch Street, 14th Floor	:	
Philadelphia, PA 19102	:	
and	:	
SYLVESTER JOHNSON	:	
POLICE COMMISSIONER OF	:	
THE CITY OF PHILADELPHIA	:	
1515 Arch Street, 14th Floor	:	
Philadelphia, Pennsylvania 19102	:	
and	:	
THE CITY OF PHILADELPHIA	:	
1515 Arch Street, 14th Floor	:	

Philadelphia, PA 19102 :
and :

JOHN DOE POLICE OFFICERS 1-10 :
individually and in their official capacity :
1515 Arch Street, 14th Floor :
Philadelphia, PA 19102, :
Defendants. :

COMPLAINT

INTRODUCTORY STATEMENT

1. This is an action for compensatory and punitive damages sustained by a citizen of the United States against police officers of the Philadelphia Police Department who unlawfully committed assault and battery upon him, falsely arrested him, filed false charges against him in an attempt to cover up the officers' own wrong doing, falsely imprisoned him, and subjected him to cruel and unusual punishment; a vicious attack that left him bloodied and battered, against the Police Commissioner as the supervisory officer responsible for the conduct of the police officers named defendants herein, and for his failure to take corrective action with respect to police personnel whose vicious propensities were notorious, to assure proper training and supervision of the personnel, or to implement meaningful procedures to discourage lawless official conduct, and against the City of Philadelphia as the employer of the police personnel, which is sued as a person under 42 U.S.C. § 1983.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988 and the Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 (1), (3) and (4) and the aforementioned statutory and Constitutional provisions. Plaintiff, PATRICK CORKERY further invokes the supplemental jurisdiction of this

Court to hear and decide claims arising under state law as they arise out of a common nucleus of operative facts. Venue is proper pursuant to 28 U.S.C. § 1391(b).

PARTIES

3. Plaintiff, PATRICK CORKERY is an adult individual who resides at 7137 Erdrick Street, Philadelphia County, Commonwealth of Pennsylvania.

4. Defendant, POLICE OFFICER RICHARD PRAUL, Badge Number 7282, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. Upon information and belief, at all times relevant hereto, he was an officer with the 39th District, Philadelphia Police Department. Defendant, POLICE OFFICER RICHARD PRAUL is being sued in both his individual and official capacity.

5. Defendant, SERGEANT DEBORAH FRANCIS, Badge Number 8602, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. Upon information and belief, at all times relevant hereto, she was an officer with the 39th District, Philadelphia Police Department. Defendant, SERGEANT DEBORAH FRANCIS is being sued in both her individual and official capacity.

6. Defendant, POLICE OFFICER NATALIE MALONEY, Badge Number 1698, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. Upon information and belief, at all times relevant hereto, she was an officer with the 39th District, Philadelphia Police Department. Defendant, POLICE OFFICER NATALIE MALONEY is being sued in both her individual and official capacity.

7. Defendant, POLICE OFFICER MORALES, Badge Number unknown, is and was at all times relevant to this Complaint, an officer of the Philadelphia Police Department, an employee

of the City of Philadelphia, and acting under color of state law, with an office located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania. Upon information and belief, at all times relevant hereto, he was an officer with the 39th District, Philadelphia Police Department. Defendant, POLICE OFFICER MORALES is being sued in both his individual and official capacity.

8. Defendant, SYLVESTER JOHNSON, POLICE COMMISSIONER OF THE CITY OF PHILADELPHIA, is and was at all times relevant to this Complaint the duly appointed Commissioner of Police of the City of Philadelphia, with an office for acceptance of service located at 1515 Arch Street, 14th Floor, Law Department, Philadelphia, Pennsylvania. As such he was the commanding officer of defendant police officers and was responsible for their training, supervision and conduct. He was also responsible by law for enforcing the regulations of the Philadelphia Police Department and for ensuring that Philadelphia police personnel obey the laws of the Commonwealth of Pennsylvania and of the United States. At all relevant times, he was acting in such capacity as the agent, servant, and employee of defendant, CITY OF PHILADELPHIA. Defendant, POLICE COMMISSIONER SYLVESTER JOHNSON is sued individually and in his official capacity.

9. Defendant, CITY OF PHILADELPHIA is a municipality of the Commonwealth of Pennsylvania and owns, operates, manages, directs and controls the Philadelphia Police Department which employs the defendant police officers with an office for service located at 1515 Arch Street, 14th Floor, Philadelphia, Pennsylvania.

10. Defendants, JOHN DOE POLICE OFFICERS 1-10 were at all times relevant to this Complaint Philadelphia police officers, employees of the City of Philadelphia, and acting under color of state law, whose identities and badge numbers are not know to plaintiff, PATRICK CORKERY at this time. They are sued individually and in their official capacities.

11. At all times relevant hereto, defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES and POLICE OFFICER JOHN DOES 1-10, whose identities are not

immediately known to plaintiff, PATRICK CORKERY, were acting in the course and scope of their employment and under color of state law and authority.

FACTS

12. On or about February 19, 2005 at approximately 2:00 a.m., plaintiff, PATRICK CORKERY was lawfully present in the area of 3521 Bowman Street in Philadelphia, Pennsylvania.

13. On the above referenced date and time, upon information and belief, defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, unlawfully assaulted and battered him, unlawfully detained him, and falsely imprisoned him.

14. In addition, also on the above referenced date and time and at or near the aforesaid location, upon information and belief, defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, assaulted, battered, beat, drug, kicked, punched, stomped, struck, terrorized, threatened, and otherwise viciously attacked him causing a profuse loss of blood, a battered body, and unnecessary pain and suffering as well as severe, debilitating, and permanent injuries as set forth below.

15. The aforesaid defendants used their fists, boots and/or shoes, nightsticks, flashlights, and possibly other weapons in the vicious and unprovoked beating of plaintiff, PATRICK CORKERY.

16. Subsequently, on the above referenced date and time, upon information and belief, defendant, POLICE OFFICER NATALIE MALONEY drove plaintiff, PATRICK CORKERY inside a marked police vehicle to a location behind a building where she met with two 39th District Police Officers identified as JOHN DOE POLICE OFFICERS ONE AND TWO.

17. On the above referenced date, time, and location, the two 39th District Police Officers identified as JOHN DOE POLICE OFFICERS ONE AND TWO removed plaintiff, PATRICK CORKERY from the rear of the vehicle and threw him onto the ground. They struck him in the face, head, back, and legs with their nightsticks and possibly other objects and kicked him in the face, ribs and other parts of his body. Defendant, POLICE OFFICER MALONEY joined in the aforesaid vicious attack.

18. The other officers whose identities are not immediately known to plaintiff, PATRICK CORKERY, but who participated in the aforesaid vicious and unprovoked beating are identified as “JOHN DOE POLICE OFFICERS 1-10.” When their true identities are revealed, plaintiff will seek to Amend the Complaint to officially and legally include them.

19. All the beatings and vicious attacks of plaintiff, PATRICK CORKERY occurred while he was handcuffed, defenseless, and helpless.

20. As a result of the aforesaid vicious and unprovoked beating at the hands of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, he sustained contusions all over his body, including but not limited to his head, face, forehead, left ear, right shoulder, right arm, right and left wrists; back, right and left legs, and right knee; contusion and swelling of his right eye; blood in the right eye; numerous abrasions and lacerations about his body, but mostly on his head, face, forehead, right shoulder, right and left legs; pain all over his body including but not limited to his head, face, chest, ribs, back, arms, and legs; swelling of his face; lumps on his head; dizziness; onset of severe headaches; a permanent scar on his right wrist; and permanent scar on his left wrist; back, and right knee; dizziness; severe headaches; decreased mobility; and decreased range of motion; temporary vision impairment; and pain and suffering.

21. After the aforesaid vicious and unprovoked beating, upon information and belief,

defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, transported him to MCP Hospital where he was treated and released.

22. Subsequently, on the above referenced date and time, upon information and belief, defendants, defendant, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, transported him to the 35th District where he was put on display for other officers and detectives to observe and laugh and ridicule him.

23. Subsequently, notwithstanding that there was no probable cause to place plaintiff, PATRICK CORKERY under arrest, defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, arrested him and charged him with two counts of Aggravated Assault; two counts of Simple Assault; two counts of Recklessly Endangering Another Person; two counts of resisting arrest; and two counts of Disorderly Conduct.

24. The aforesaid charges were based upon the filing of a fraudulent police report by defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY.

25. As a result of the injuries aforesaid, plaintiff, PATRICK CORKERY has been and probably will in the future be obliged to spend large and various sums of money for medicine and

medical attention in endeavoring to treat and cure himself of injuries sustained.

26. As a further result of the aforesaid, plaintiff, PATRICK CORKERY has suffered and will continue to suffer great mental anguish, physical pain, depression, nervousness, humiliation, personality change and a loss of natural enjoyment of life and life's pleasures.

27. As a further result of the aforesaid, plaintiff, PATRICK CORKERY has and may in the future be hindered and prevented from attending to his daily duties and occupation, to his great detriment and loss.

28. As a result of the conduct of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, he was forced to retain the services of counsel and incur legal costs and to appear in court on a number of occasions in connection with the defense of false and fraudulent criminal charges lodged against him.

29. At no time relevant hereto did plaintiff, PATRICK CORKERY violate any laws or engage in any criminal behavior to justify the vicious beating he received at the hands of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY.

30. At no time relevant hereto could or did defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, reasonably believe that their conduct toward him was lawful, privileged, or otherwise permissible under the laws or Constitutions of the United States and the Commonwealth of Pennsylvania, or that the laws regarding the rights of citizens such

as plaintiff was in any way unsettled.

31. The actions and/or inaction of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, were committed deliberately, intentionally, maliciously, outrageously, willfully, wantonly, and constitute conduct so egregious as to shock the conscience.

32. Defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY engaged in the aforesaid conduct for the purpose of violating plaintiff's constitutional rights by subjecting him to excessive force and false arrest, causing him to be wrongfully and maliciously beaten, terrorized, prosecuted, and imprisoned.

33. Defendant, POLICE COMMISSIONER SYLVESTER JOHNSON knew or should have known of the constitutional deprivations committed by his police officers through the administration of the general policies and practices within the Philadelphia Police Department. Furthermore, the aforesaid defendant neglected and refused to enforce existing law or systematically mal-administered the law.

34. Defendant, POLICE COMMISSIONER SYLVESTER JOHNSON, acting by and through his agents, servants, and/or employees, was in violation of the law for failing to reprimand and/or discharge or otherwise discipline police officers found to have engaged in this activity, failing to warn police officers to this type of conduct, failing to formally promulgate and disseminate and train police officers with appropriate and reasonable guidelines for the use of offensive conduct by Philadelphia police officers and is directly liable and responsible for the acts of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE

MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY.

35. Defendant, CITY OF PHILADELPHIA, knew or should have known of the constitutional deprivations committed by its police officers through the administration of the general policies and practices within the Philadelphia Police Department. Furthermore, defendant, CITY OF PHILADELPHIA neglected and refused to enforce existing law or systematically mal-administered the law.

36. Defendant, CITY OF PHILADELPHIA, acting by and through its agents, servants, and/or employees, was also in violation of the law for failing to reprimand and/or discharge or otherwise discipline police officers found to have engaged in this activity, failing to warn police officers to this type of conduct, failing to formally promulgate and disseminate and train police officers with appropriate and reasonable guidelines for the use of offensive conduct by Philadelphia police officers and is directly liable and responsible for the acts of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY.

37. Defendant, CITY OF PHILADELPHIA is liable for the acts of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, because the CITY OF PHILADELPHIA, as a matter of policy and practice, has with deliberate indifference, tolerated and permitted the pattern of deprivation of constitutional rights by its police officers, failed to maintain a proper system for review, and failed to properly sanction or discipline police officers, including the defendants in this case, for violations of the constitutional rights of citizens, with the result that police officers from the CITY OF PHILADELPHIA were encouraged to believe that they could

violate the rights of persons such as the plaintiff with impunity.

38. The actions and omissions of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, POLICE COMMISSIONER SYLVESTER JOHNSON, and THE CITY OF PHILADELPHIA deprived plaintiff of his precious rights, privileges and immunities secured unto him by the Fourth and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. § 1983; in particular, the right to be free from unreasonable force.

39. Defendant, CITY OF PHILADELPHIA, as a matter of policy and practice, has with deliberate indifference failed to reprimand, sanction or discipline police officers, including defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, in this case, who are aware of and subsequently conceal violations of the constitutional rights of citizens by other police officers, thereby causing and encouraging police, including the individually named defendants in this action, to engage in unlawful conduct.

40. As a direct and proximate result of the defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, POLICE COMMISSIONER SYLVESTER JOHNSON, and THE CITY OF PHILADELPHIA'S unwarranted, illegal and unconstitutional actions, plaintiff, PATRICK CORKERY was unlawfully incarcerated and falsely imprisoned for approximately twenty-four (24) hours.

41. As a direct and proximate result of the defendants, POLICE OFFICER RICHARD

PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and POLICE OFFICER JOHN DOES 1-10, whose identities are not immediately known to plaintiff, PATRICK CORKERY, POLICE COMMISSIONER SYLVESTER JOHNSON, and THE CITY OF PHILADELPHIA'S unwarranted, illegal and unconstitutional actions, plaintiff, PATRICK CORKERY sustained abrasions, lacerations, contusions, scars and suffered physical pain, fear, horror, depression, humiliation, nervousness, and chagrin, as well as mental and emotional distress, and a loss of natural enjoyment of life and life's pleasures.

42. The damages suffered by plaintiff, PATRICK CORKERY were the direct and proximate result of the conduct of all defendants, jointly, severally, directly or vicariously.

COUNT I

PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10, POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA CIVIL RIGHTS VIOLATIONS

43. The allegations set forth in paragraphs 1 through 42, inclusive, are incorporated herein as though fully set forth.

44. As a direct and proximate result of the actions and omissions of all defendants, plaintiff, PATRICK CORKERY was deprived of precious rights, privileges, and immunities secured unto him by the laws and Constitution of the United States.

45. Defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, POLICE OFFICER JOHN DOES 1-10, POLICE COMMISSIONER SYLVESTER JOHNSON, and THE CITY OF PHILADELPHIA, together and/or with others, conspired to violate and/or did violate the constitutional rights of plaintiff, PATRICK CORKERY.

46. The actions of all defendants deprived plaintiff, PATRICK CORKERY of the equal protection of the laws and their rights, privileges and immunities under the laws and the Constitution of the United States, in particular, the Fourth, Fifth, Eighth and Fourteenth Amendments thereof and in violation of 42 U.S.C. § 1983; his right to be free from the use of excessive force, to be secure in his person and property, his right to be free from the unlawful detention, to be secure in his person and property, to be free from unlawful seizure of his person and from false arrest, to be free from cruel and unusual punishment and to due process of law, all to plaintiff, PATRICK CORKERY'S great detriment and loss.

47. By these actions, all defendants deprived plaintiff, PATRICK CORKERY of the rights secured unto him by the Constitution of the United States, in particular, the Fourth, Fifth, Eighth and Fourteenth Amendments thereof and in violation of 42 U.S.C. § 1983.

48. The aforesaid conduct of all defendants was committed alone, together, and in conspiracy with one another.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT II

PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10, POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA

ASSAULT AND BATTERY

49. The allegations set forth in paragraphs 1 through 48, inclusive, are incorporated herein as though fully set forth.

50. As a direct and proximate result of the actions and omissions of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10, POLICE COMMISSIONER SYLVESTER JOHNSON, and THE CITY OF PHILADELPHIA, plaintiff, PATRICK CORKERY was placed in fear of imminent offensive and unpermitted touching and intrusions upon his person.

51. As a direct and proximate result of the actions and omissions of all defendants, plaintiff, PATRICK CORKERY suffered offensive and unpermitted touching and intrusions upon his person.

52. The actions and omissions of all defendants, as alleged in the preceding paragraphs, were done purposefully with the intent of committing assault and battery and/or were done in reckless disregard of the probability of causing plaintiff, PATRICK CORKERY to suffer an assault and battery and these actions did in fact result in an assault and battery, all to his great detriment and loss.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT III

PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10, POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA

NEGLIGENCE AND GROSS NEGLIGENCE

53. The allegations set forth in paragraphs 1 through 52, inclusive, are incorporated herein as through fully set forth.

54. The actions and omissions of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10, POLICE COMMISSIONER SYLVESTER JOHNSON, and THE CITY OF PHILADELPHIA constitute negligence and gross negligence under the laws of the Commonwealth of Pennsylvania.

55. The conduct of defendant, POLICE COMMISSIONER SYLVESTER JOHNSON in failing to properly train, supervise and control the conduct of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and JOHN DOE POLICE OFFICERS 1-10 constitutes negligence under the laws of the Commonwealth of Pennsylvania.

56. Defendant, CITY OF PHILADELPHIA, as the employer of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10, and POLICE COMMISSIONER SYLVESTER JOHNSON, is liable under the doctrine of respondeat superior for the negligent conduct of the individual defendants.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT IV

PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE

**MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10,
POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA
MALICIOUS PROSECUTION AND
MALICIOUS ABUSE OF PROCESS OF LAW**

57. The allegations set forth in paragraphs 1 through 56, inclusive, are incorporated herein as through fully set forth.

58. Defendants, POLICE OFFICER RICHARD PAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and JOHN DOE POLICE OFFICERS 1-10, acting as agents and in behalf of defendants, POLICE COMMISSIONER SYLVESTER JOHNSON and THE CITY OF PHILADELPHIA, within the scope of their employment, wrongfully, unlawfully and maliciously prosecuted plaintiff by issuing a complaint which charged him with false and fictitious crimes as stated above.

59. The actions of the aforesaid defendants, as alleged in the preceding paragraphs, were done purposefully with the intent of committing malicious prosecution and malicious abuse of process of law, or were done in reckless disregard of the probability of causing malicious prosecution and malicious abuse of process of law, and these actions did in fact result in malicious prosecution and malicious abuse of process of law, all to plaintiff's great detriment and loss.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT V

**PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD
PAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE
MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10,
POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA
FALSE ARREST AND FALSE IMPRISONMENT**

60. The allegations set forth in paragraphs 1 through 59, inclusive, are incorporated herein as through fully set forth.

61. Defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and JOHN DOE POLICE OFFICERS 1-10, acting as agents and in behalf of defendants, POLICE COMMISSIONER SYLVESTER JOHNSON and THE CITY OF PHILADELPHIA, arrested plaintiff, PATRICK CORKERY without probable cause, caused criminal proceedings to be commenced and continued against plaintiff with malice and without probable cause, as a result thereof plaintiff was falsely imprisoned.

62. Defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and JOHN DOE POLICE OFFICERS 1-10, acting as agents and in behalf of defendants, POLICE COMMISSIONER SYLVESTER JOHNSON and THE CITY OF PHILADELPHIA, caused criminal proceedings to be commenced and continued against plaintiff to accomplish a purpose for which criminal process was not designed.

63. As a direct and proximate result of the actions and omissions of the aforesaid defendants, plaintiff, PATRICK CORKERY was falsely arrested and falsely imprisoned.

64. The actions and omissions of the aforesaid defendants, were done purposefully with the intent of committing false arrest and false imprisonment and/or were done in reckless disregard of the probability of causing plaintiff to be falsely arrested and falsely imprisoned and these actions did in fact result in false arrest and false imprisonment, all to plaintiff's great detriment and loss.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT VI

**PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD
PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE
MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10,
POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

65. The allegations set forth in paragraphs 1 through 64, inclusive, are incorporated herein as through fully set forth.

66. As a direct and proximate result of the negligence of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and JOHN DOE POLICE OFFICERS 1-10, acting as agents and in behalf of defendants, POLICE COMMISSIONER SYLVESTER JOHNSON and THE CITY OF PHILADELPHIA, as described above, plaintiff, PATRICK CORKERY has suffered substantial mental pain and suffering and severe emotional distress and injury.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT VII

**PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD
PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE
MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10,
POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

67. All the averments contained in paragraphs 1 through 66 of Plaintiff's Complaint are incorporated at length herein.

68. As a direct and proximate result of the reckless and intentional conduct of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and JOHN DOE POLICE OFFICERS 1-10, acting as agents and in behalf of defendants, POLICE COMMISSIONER SYLVESTER JOHNSON and THE CITY OF PHILADELPHIA as described above, plaintiff, PATRICK CORKERY has suffered substantial mental pain and suffering and severe emotional distress and injury.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

COUNT VIII

PLAINTIFF, PATRICK CORKERY V. DEFENDANTS, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, JOHN DOE POLICE OFFICERS 1-10, POLICE COMMISSIONER SYLVESTER JOHNSON, AND CITY OF PHILADELPHIA
PUNITIVE DAMAGES

69. The allegations set forth in paragraphs 1 through 68, inclusive, are incorporated herein as through fully set forth.

70. The conduct of defendants, POLICE OFFICER RICHARD PRAUL, SERGEANT DEBORAH FRANCIS, POLICE OFFICER NATALIE MALONEY, POLICE OFFICER MORALES, and JOHN DOE POLICE OFFICERS 1-10, acting as agents and in behalf of defendants, POLICE COMMISSIONER SYLVESTER JOHNSON and THE CITY OF PHILADELPHIA in this matter was reckless, willful, wanton and outrageous.

71. As a result of said reckless, willful, wanton and outrageous conduct, plaintiff, PATRICK CORKERY sustained the injuries as outlined above.

WHEREFORE, plaintiff, PATRICK CORKERY demands judgment against all defendants, jointly and severally, in an amount in excess of one hundred and fifty thousand (\$150,000.00) dollars, plus interest, costs, punitive damages, attorneys' fees and such other and further relief as this Honorable Court deems appropriate.

JURY TRIAL DEMAND

Plaintiff, PATRICK CORKERY demands a trial by jury as to each count.

WHEREFORE, plaintiff, PATRICK CORKERY requests the following relief, as to each cause, count and defendant:

- a) compensatory damages in excess of \$150,000.00;
- b) punitive damages;
- c) reasonable attorneys fees and costs; and
- d) such further relief as the Court shall deem just and proper.

LAW OFFICES OF GUY R. SCIOLLA

Dated: January 22, 2007

/s/

Holly C. Dobrosky, Esquire
Identification No. 65917
Attorney for Plaintiff, PATRICK CORKERY
1910 Land Title Building
100 South Broad Street
Philadelphia, PA 19110
Telephone: 215-972-1544
Telecopier: 215-972-1545